

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HOLMES GROUP, INC.,	:	
	:	
Plaintiff/Counterclaim-Defendant,	:	
	:	Civil Action No. 1: 05-CV-11367 WGY
v.	:	(Alexander, M.J.)
	:	
WEST BEND HOUSEWARES, LLC and	:	
FOCUS PRODUCTS GROUP, L.L.C.,	:	
	:	
Defendants/Counterclaim-Plaintiffs.	:	

HOLMES' MOTION FOR LEAVE TO FILE AN ENLARGED BRIEF

Pursuant to L.R. 7.1(b)(4), Plaintiff, The Holmes Group, Inc. ("Holmes"), hereby moves to file an enlarged MEMORANDUM IN SUPPORT OF HOLMES' MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF WEST BEND'S DESIGN PATENTS. An enlarged brief is required to fully address claim construction issues and non-infringement of three asserted design patents by thirty-four models of slow-cookers.

Pursuant to Local Rule 7.2, counsel for Holmes has conferred with opposing counsel regarding this motion, but were unable to reach agreement.

For the foregoing reasons, Holmes respectfully moves for leave to file an enlarged Memorandum in Support of Holmes' Motion for Summary Judgment of Non-Infringement of West Bend's Design Patents. A proposed order accompanies this motion.

SUNBEAM PRODUCTS, INC.,
d/b/a JARDEN CONSUMER SOLUTIONS
f/k/a THE HOLMES GROUP

By its Attorneys,

Dated: December 1, 2006

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 1, 2006.

/s/ Glenn T. Henneberger
Glenn T. Henneberger

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**[PROPOSED] ORDER GRANTING HOLMES'
MOTION FOR LEAVE TO FILE ENLARGED BRIEF**

This matter, having come before the Honorable William G. Young on THE HOLMES GROUP, INC. ("HOLMES") MOTION FOR LEAVE TO FILE AN ENLARGED MEMORANDUM IN SUPPORT OF HOLMES' MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF WEST BEND'S DESIGN PATENTS and the Court being fully advised of the premises, **IT IS HEREBY ORDERED:**

That HOLMES' motion to file an enlarged brief is hereby granted.

SO ORDERED.

Dated: _____

BY THE COURT

The Honorable William G. Young
Judge of United States District Court

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